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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/734,746  | 12/12/2000  | Richard Barrington   | A33025-066680.0111  | 4818             |
| 21003   | 7590        | 12/01/2004           | EXAMINER            |                  |
| BAKER & BOTTS<br>30 ROCKEFELLER PLAZA<br>NEW YORK, NY 10112 |             |                      | WASYLCHAK, STEVEN R |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 3624                |                  |

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |  |  |
|------------------------------|------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b>                            |  |
|                              | 09/734,746             | RICHARD BARINGTON ET AL.<br><i>[Signature]</i> |  |
| <b>Examiner</b>              | <b>Art Unit</b>        |  |  |
|                              | Steven R. Wasylchak    | 3624   |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1)  Responsive to communication(s) filed on 12 December 2000.
- 2a)  This action is FINAL.                    2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4)  Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-35 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-35 are rejected under 35 U.S.C. 102(e) as being unpatentable over Edelman (US 6,064,986).

### **CLAIMS:**

1. A process for determining at least one financial indicator for investments and savings to achieve a particular goal, comprising the steps of:

obtaining financial information from an investor,/abstract; col 1, L16-34; col 2, L 43-65; col 23, L 50-60; col 24, L17-23 (time is a financial indicator as in the present or future value of a revenue stream over N periods discounted at 6%)  
obtaining further information which is indicative of at least one of:

a. the investor's tolerance for a decline in the investments, and/fig 13 (age to retirement selection as tolerance for decline in investments: the longer the time, the greater the risk)

b. the investor's tolerance for failure to achieve the particular goal;/----at least one of--see a. above

and determining the at least one financial indicator as a function of the financial

information and the further information./col 24, L 17-23 (time as financial  
indicator)

2. The process according to claim 1, wherein the further information is indicative  
of the investor's tolerance for the decline in the investment./ fig 3 (age)

3. The process according to claim 1, wherein the further information is indicative  
of the investor's tolerance for failure to achieve the particular goal./ fig 3 (age)

4. The process according to claim 1, wherein the further information includes first  
and second information, the first information being indicative of the investor's  
tolerance for the decline in the investment, the second information being  
indicative of the investor's tolerance for failure to achieve the particular goal./fig 3  
(age)

5. The process according to claim 4, wherein the at least one financial indicator is  
determined as a function of the particular information, the first information and  
the second information./ col 2, L 43-65; col 23, L 50-60; col 24, L17-23 (time,  
given by age, is a financial indicator as in the present or future value of a revenue  
stream over N periods discounted at 6%)

6. The process according to claim 1, wherein the at least one financial indicator  
includes asset allocation data for the investor./ col 3, L 3-14

7. The process according to claim 6, wherein the determining step includes the  
sub step of calculating the asset allocation data based on the financial  
information./ col 2, L 43-65; col 23, L 50-60; col 24, L17-23 (time, given by age, is

a financial indicator as in the present or future value of a revenue stream over N

periods discounted at 6%)

8. The process according to claim 7, further comprising the step of:

obtaining historical data for the investor or for at least one further party, wherein  
the asset allocation data is calculated using the historical data./col 4, L 1-21

9. The process according to claim 6, wherein the at least one financial indicator  
includes return assumption data for the investor./ col 4, L 1-21

10. The process according to claim 9, wherein the determining step includes the  
sub step of calculating the return assumption data based on the asset allocation  
data and the financial information./ col 3, L 20-55; col 4, L 1-21

11. The process according to claim 6, wherein the at least one financial indicator  
include annual savings data for the investor./ fig 3; col 4, L 1-21

12. The process according to claim 11, wherein the annual saving data includes  
at least one of :

a. first data indicative of a lump sum needed for a retirement of the investor,/fig  
1,2,8, 9

b. second data indicative of a value of current savings at the retirement of the  
investor,/fig 8; col 1, L 36-39; col 2, L 10 to col 3, L 14

c. third data indicative of total savings needed to close a gap for the investor  
between the first data and the second data, and/fig 1,2,8

d. fourth data indicative of annual savings needed to close the gap./ fig 8; col 3, L  
44-60

Art Unit: 3624

13. The process according to claim 1, wherein the financial information includes

at least one of:

- a. current income of the investor,/fig 7(133)
- b. expected years until retirement of the investor,/col 4, L 1-21;
- c.expected years to be spent in retirement,/ col 2, L 10 to col 3, L 14
- d. target annual retirement income of the investor,/ col 2, L 10 to col 3, L 14
- e. estimated annual social security benefits of the investor, and/fig 1,2; col 3, L 15-60
- f. current retirement assets of the investor./ col 2, L 10 to col 3, L 14

14. The process according to claim 13, wherein the at least one financial indicator includes return assumption data for the investor and lump sum data for the retirement of the investor, and wherein the lump sum data are calculated based on:

the estimated annual social security benefits,/ fig 1,2; col 3, L 15-60

the expected years to be spent in the retirement, and/ fig 1,2; col 3, L 15-60

the return assumption data./ fig 1,2; col 3, L 15-60

15.The process according to claim 13, wherein the at least one financial indicator includes return assumption data for the investor and current value of savings data at the retirement of the investor, and wherein the current value of savings data are calculated based on:

-the current retirement assets of the investor,/ col 2, L 10 to col 3, L 14

-the expected years until the retirement of the investor, and/ col 2, L 10 to col 3, L

-the return assumption data./ fig 1,2; col 3, L 15-60

16. The process according to claim 15, wherein the at least one financial indicator includes return assumption data for the investor and annual current saving data need for the retirement of the investor, and wherein the current savings data are calculated based on:

the current value of savings data,/col 4, L 1-21

the expected years until the retirement of the investor, and/ col 2, L 10 to col 3, L 14

the return assumption data./ fig 1,2; col 3, L 15-60

17. The process according to claim 1, further comprising the steps of:

determining if the at least one financial indicator is acceptable;/ col 24, L17-23  
(time is a financial indicator as in the present or future value of a revenue stream over N periods discounted at 6%)

if the at least one financial indicator is not acceptable, receiving additional financial information which includes at least one portion which is different from at least one portion of the obtained financial information; and/ col 2, L 10 to col 3, L 14

determining the at least one financial indicator as a function of the received additional financial information and the further information./ col 2, L 10 to col 3, L 14

18. A system for determining at least one financial indicator for investments and savings to achieve a particular goal, comprising:

a processing arrangement which:

obtains financial information from an investor;

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obtains further information which is indicative of at least one of

b. the investor's tolerance for a decline in the investments, and

the investor's tolerance for failure to achieve the particular goal,

determines the at least one financial indicator as a function of the financial

information and the further information./ all the above refer to claim 1

19. The system according to claim 18, wherein the further information is

indicative of the investor's tolerance for the decline in the investment./ refer to

claim 2

20. The system according to claim 18, wherein the further information is

indicative of the investor's tolerance for failure to achieve the particular goal./

refer to claim 3

21. The system according to claim 18, wherein the further information includes

first and second information, the first information being indicative of the investor's

tolerance for the decline in the investment, the second information being

indicative of the investor's tolerance for failure to achieve the particular goal./

refer to claim 4

22. The system according to claim 21, wherein the processing arrangement

determines the at least one financial indicator as a function of the particular

information, the first information and the second information./ refer to claim 5

23. The system according to claim 18, wherein the at least one financial indicator

includes asset allocation data for the investor./ refer to claim 6

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Art Unit: 3624

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24. The system according to claim 23, wherein the processing arrangement determines the at least financial indicator by calculating the asset allocation data based on the financial information./ refer to claim 7

25. The system according to claim 24, wherein the processing arrangement obtains historical data for the investor or for at least one further party, and calculates the asset allocation data using the historical data./ refer to claim 8

26. The system according to claim 23, wherein the at least one financial indicator includes return assumption data for the investor./ refer to claim 9

27. The system according to claim 26, wherein the processing arrangement determines the at least financial indicator by calculating the return assumption data based on the asset allocation data and the financial information./ refer to claim 10

28. The system according to claim 23, wherein the at least one financial indicator include annual savings data for the investor./ refer to claim 11

29. The system according to claim 28, wherein the annual saving data includes at least one of:

- a. first data indicative of a lump sum needed for a retirement of the investor,
- b. second data indicative of a value of current savings at the retirement of the investor,
- c.third data indicative of total savings needed to close a gap for the investor between the first data and the second data, and
- d. fourth data indicative of annual savings needed to close the gap./ refer to claim

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Art Unit: 3624

30. The system according to claim 18, wherein the financial information includes

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at least one

of :

- a. current income of the investor,
- b. expected years until retirement of the investor,
- c. expected years to be spent in retirement,
- d. target annual retirement income of the investor,
- e. estimated annual social security benefits of the investor, and
- f. current retirement assets of the investor./ refer to claim 13

31. The system according to claim 30, wherein the at least one financial indicator includes return assumption data for the investor and lump sum data for the retirement of the investor, and

wherein the processing arrangement calculates the lump sum data based on:

the estimated annual social security benefits,

the expected years to be spent in the retirement, and

the return assumption data./ refer to claim 14

32. The system according to claim 30, wherein the at least one financial indicator includes return assumption data for the investor and current value of savings data at the retirement of the investor, and wherein the processing arrangement calculates the current value of savings data based on:

- the current retirement assets of the investor,
- the expected years until the retirement of the investor, and/

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the return assumption data./ refer to claim 15

Art Unit: 3624

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33. The system according to claim 32, wherein the at least one financial indicator

includes return assumption data for the investor and annual current saving data  
need for the retirement of the investor, and wherein the processing arrangement  
calculates the current savings data based on:

the current value of savings data,

the expected years until the retirement of the investor, and

the return assumption data./ refer to claim 16

34. The system according to claim 1, wherein the processing arrangement:

determines if the at least one financial indicator is acceptable,

if the at least one financial indicator is not acceptable, receives additional  
financial information which includes at least one portion which is different from  
at least one portion of the obtained financial information, and

determines the at least one financial indicator as a function of the received  
additional financial information and the further information./ refer to claim 17

35. A financial planning engine for determining at least one financial indicator for  
investments and savings to achieve a particular goal, comprising:

at least one software module which is capable of being executed by a processing  
device to:

-obtain financial information from an investor,

-obtain further information which is indicative of at least one of:

a. the investor's tolerance for a decline in the investments, and

b. the investor's tolerance for failure to achieve the particular goal,

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Art Unit: 3624

determine the at least one financial indicator as a function of the financial

information and the further information./ refer to claim 18

This action is **NON-FINAL**. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R. Wasylchak whose telephone number is (703) 308-2848. The examiner can normally be reached on Monday-Thursday from 7:00 a.m. to 6:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1065. The fax number for Art Unit 3624 is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Steven Wasylchak

  
11/23/04



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